

AMENDED IN ASSEMBLY JULY 3, 2002

AMENDED IN ASSEMBLY JUNE 10, 2002

AMENDED IN SENATE APRIL 2, 2002

SENATE BILL

No. 1914

**Introduced by Committee on Insurance (Senators Speier
(Chair), Escutia, Figueroa, Johnson, Scott, and Soto)**

February 22, 2002

An act to add and repeal Section 130311.5 of the Health and Safety Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1914, as amended, Committee on Insurance. Health.

Existing federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), establishes requirements to safeguard the privacy of medical information. The HIPAA specifies that its provisions supersede any contrary provision of state law, subject to specified exceptions. Existing state law, the Health Insurance Portability and Accountability Implementation Act of 2001, provides for the implementation of the HIPAA's requirements in this state.

This bill would make any provision of state law concerning personal medical information not applicable to the extent that it is superseded by HIPAA.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature declares that the right of
2 individuals to privacy of their personal medical information is a
3 fundamental right of the people of California.

4 (b) The Legislature further makes the following findings:

5 (1) The people of California should be provided with the
6 highest possible level of protection of the privacy of their personal
7 medical information and records. The people of California should
8 also be provided with the highest possible level of access to their
9 own personal medical information and records and to information
10 about their medical information privacy rights and the privacy
11 practices of their health care providers and insurers.

12 (2) Certain federal regulations that implement the federal
13 Health Insurance Portability and Accountability Act of 1996
14 (HIPAA) will supersede less stringent state laws pertaining to the
15 privacy of personal medical information.

16 (3) California is required to comply with the provisions of
17 HIPAA on or before April 14, 2003.

18 SEC. 2. Section 130311.5 is added to the Health and Safety
19 Code, to read:

20 130311.5. (a) Any provision of state law concerning personal
21 medical information that is *determined by the office to be*
22 preempted by HIPAA pursuant to Section 160.203 of Title 45 of
23 the Code of Federal Regulations, shall not be applicable to the
24 extent of that preemption by HIPAA, ~~and the~~. *The remainder of the*
25 *provisions of that state law concerning personal medical*
26 *information shall remain in full force and effect.*

27 (b) This section shall remain in effect only until January 1,
28 2005, and as of that date is repealed, unless a later enacted statute,
29 that is enacted before January 1, 2005, deletes or extends that date.